



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, S.W.  
WASHINGTON, D.C. 20554

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**EX PARTE STATUS OF APPLICATION FOR FCC CONSENT TO  
TRANSFER CONTROL OF WCS WIRELESS LICENSE SUBSIDIARY, LLC  
FROM WCS WIRELESS, INC. TO XM SATELLITE RADIO HOLDINGS, INC.**

**WTB Docket No. 05-256**

On July 15, 2005, WCS Wireless, Inc. ("WCS Wireless") and XM Satellite Radio Holdings Inc. ("XM Satellite Radio") filed an application (File No. 0002240823) seeking consent to the transfer of control of Wireless Communications Service (WCS) licenses held by WCS Wireless License Subsidiary, LLC from WCS Wireless to XM Satellite Radio. This application appeared on public notice as accepted for filing on July 20, 2005.<sup>1</sup>

Applications for consent to the transfer of control of licenses are subject, unless otherwise provided, to treatment by the Commission as restricted proceedings for *ex parte* purposes under section 1.1208 of the Commission's rules.<sup>2</sup> However, pursuant to section 1.1200(a) of the Commission's rules,<sup>3</sup> the Commission may modify the applicable *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this application proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.<sup>4</sup>

Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>5</sup> More than a one- or two-sentence description of the views and arguments

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<sup>1</sup> See Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of Licensee Applications, and *De Facto* Transfer Lease Applications Accepted for Filing, *Public Notice*, Report No. 2209, at 2 (rel. July 20, 2005).

<sup>2</sup> 47 C.F.R. § 1.1208.

<sup>3</sup> 47 C.F.R. § 1.1200(a).

<sup>4</sup> *Id.* § 1.1206.

<sup>5</sup> See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd. 19945 (2000).

presented is generally required.<sup>6</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.<sup>7</sup>

Under the Commission's current procedures for the submission of filings and other documents,<sup>8</sup> filings in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**<sup>9</sup> filings shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, parties should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get instructions for e-mail filings, parties should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

A copy of each filing also should be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM) or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at [erin.mcgrath@fcc.gov](mailto:erin.mcgrath@fcc.gov), or (202) 418-7447 (facsimile); and (3) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at [erin.mcgrath@fcc.gov](mailto:erin.mcgrath@fcc.gov), or (202) 418-7447 (facsimile).

Copies of the application and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at

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<sup>6</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>7</sup> *Id.* § 1.1206(b).

<sup>8</sup> See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd. 21483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd. 22165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd. 16705 (2003).

<sup>9</sup> See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd. 11322 (1998).

FCC@BCPIWEB.COM. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, applications filed under Parts 22, 24, 90, and 101 of the Commission's rules are available electronically through ULS, which may be accessed on the Commission's Internet website. Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to [access@fcc.gov](mailto:access@fcc.gov).

For any questions regarding this proceeding, contact Kathy Harris, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609.

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